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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,310	06/24/2003	Alan J. Janis	13958/YOD ITWO:0062	9058

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EXAMINER

PATEL, VISHAL A

ART UNIT PAPER NUMBER

3679

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/602,310		JANIS ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Vishal Patel		3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,5-17,19,20 and 22-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 and 22-30 is/are allowed.
- 6) ☒ Claim(s) 1,2,5-17,19,31 and 35-38 is/are rejected.
- 7) ☒ Claim(s) 32-34 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim is unclear since applicant is claiming two connection assemblies and a connection assembly in claim 8, hence is there three connection assemblies? Furthermore if applicant is trying to claim the connection assembly in claim 8 is located at two opposite direction on the body, applicant should change the language of claim 14 to claims this.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 19, 31 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Fowler et al (US. 3,750,643).

Flower discloses a preconditioned air connector (intended use) comprising a body, a connection assembly having an integrated bearing structure (bearing structure that receives a

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ping 84 that connects a first member to the body), a first member pivotably coupled to the body and including a camming surface that at least partially defines a slot (slot 80), the first member being at least partially supported by the integrated bearing structure, an engagement member (76) disposed in the slot, a hook member (74) coupled to the first member via the engagement member, wherein pivotal actuation of the first member (pivoting of the first member) in a direction generally tangentially to the body directs axial translation (the hook translates axially) of the hook member from a first position to a second position such that the camming surface defines the first and second position (the hook 74 moves from a first position to a second position when the camming surface is in a first position and a second position).

The camming surface defines the first and second positions (positions defined by the slot 80). The slot is arcuate. The clamping portion is adapted to releasably secure the connector to an aircraft (the hook is capable of striking and securing an aircraft structure).

The connection assembly comprises a cover (cover 56) securable to the body and the cover comprises a guide portion (where the hook comes out of the cover 56) adapted to guide movement of the second member (intended use).

The body comprises an integrated bearing surface (surface that receives pin 84) and the bearing surface configured to at least partially support the first member (the first member is supported partially by the pin 84).

The connector comprises a plurality of connection assemblies (connection assemblies 107 and slot 89).

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The slot comprises a locking portion adapted to releasably secure the engagement member with respect to the slot (this is the case since the slot has a locking portion (the portions of slot that has ridges).

The method of claims 31 and 35 is inherent. Flower discloses coupling a first member to a hook member via an engagement member (76 couples the hook member 74 to the first member having the slot 80), pivoting the first having an arcuate camming surface in a direction generally tangential to the body, the first member being pivotably coupled to the body (84 pivotably couples the first member to the body), driving the hook member in an axial direction with respect to the body via the interaction between the engagement member and the camming surface (pin 76 and slot 80), such that the camming surface defines the axial position of the second member and supporting the first member via an integrated bearing structure (structure that holds the pin 84) of the body.

5. Claims 36-38 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. patent 5,988,697 to Arosio. The Arosio duct connector teaches and illustrates in all the features of the present invention including a body 1, a first member 57 rotatably coupled to the body and a second member 47 non-rotatably connected to the body wherein rotation of the first member 1 in a tangential direction to the body actuates the second member 47 from a first axial position (fig. 3) to a second axial position (fig. 7). As shown in fig. 2 there is a bearing arrangement 73 on which member 1 pivots which acts as an integrated bearing structure supporting the first member. The slot 60 provides a camming surface and pin 72 provides an engagement member engaged by the camming surface of the slot. While the connector of Arosio is not expressly stated to be used for preconditioned air, it has been held that a recitation with respect to the

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manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex parte Masham, 2 USPQZd 1647 (1987).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2 and 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flower. Flower discloses the claimed invention except for the body to have an injection molded plastic part. It would have been obvious to one having ordinary skill in the art at the time the invention was made to configure a part of the body to be made of plastic, since it has been held to be within the general skill of a worker in the art to select a know material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

***Allowable Subject Matter***

8. Claims 32-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 20, 22-25, 26-30 are allowed.

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***Response to Arguments***

10. Applicant's arguments with respect to claims 1, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 31 and 35 have been considered but are moot in view of the new ground(s) of rejection.

11. Applicant's arguments filed 3/25/05 have been fully considered but they are not persuasive.

Applicants argument to claim 36 is not persuasive. In response to applicant's argument that "configured to secure the body to an aircraft", a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963).

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Boulanger and Shumaker et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishal Patel whose telephone number is (571) 272-7060. The examiner can normally be reached on Monday through Friday from 7:30 PM to 4:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford, can be reached on (571) 272-7049.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168. Technology Center 3600 Customer Service is available at 703-308-1113. General Customer

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Service numbers are at 800-786-9199 or 703-308-9000. Fax Customer Service is available at 703-872-9325.


**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
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**or faxed to:** 703-872-9326, for formal communications for entry before Final action: or,  
703-872-9327, for formal communications for entry after Final action.

Hand-delivered responses should be brought to Crystal Park Five, 2451 Crystal Drive, Arlington, Virginia, Seventh Floor (Receptionist suite adjacent to the elevator lobby).

VP  
June 20, 2005

  
Vishal Patel  
Patent Examiner  
Tech. Center 3600